

Wendy Bradbury asserts the evidence was insufficient to support the termination of her parental rights. We affirm.

FACTS AND PROCEDURAL HISTORY

S.J.T. is a girl born October 14, 1994, to Bradbury. Bradbury has two other children, one older and one younger than S.J.T. When S.J.T. was three years old, Bradbury began taking her daily to the Madison Center's day treatment program because S.J.T.'s behavior was "out of control." (Tr. at 8.) According to Bradbury, S.J.T. was "doing violent things and throwing fits, smacking herself, kicking, cussing[,] ... throwing tantrums, mean, [and] cruel to other kids" (*Id.* at 8-9.) After consulting with staff at the Madison Center, Bradbury placed S.J.T. on psychotropic medications.

S.J.T. went to the Madison Center daily until she started kindergarten at a public school. Bradbury continued giving S.J.T. psychotropic medications to attempt to control her behavior.

In 2003, when S.J.T. was eight years old, Bradbury had difficulty getting her to get out of bed, get dressed, and take her medicine. Pictures taken at school on April 3, 2003, show S.J.T. had bruises on her face, head and arms. (Exhibits at 16.) On April 18, 2003, S.J.T. was admitted as an inpatient at the Madison Center. Bradbury explained S.J.T. was "running in and out of the streets in between parked cars," "would run out in front of" moving cars, and "tried to break the sliding glass door windows out" with a plastic bat. (Tr. at 13.) S.J.T. was in the Madison Center six weeks, and Bradbury visited her five times during those six weeks.

Before S.J.T. was released from the Madison Center, Child Protective Services (“CPS”) had opened a file on her because of possible abuse, as evidenced by the photographs taken at school on April 3, 2003. On May 28, 2003, the court held a hearing, found probable cause to believe S.J.T. was a Child in Need of Services (“CHINS”), and granted temporary wardship to the OFC. (Ex. at 9.)

The OFC filed a petition alleging S.J.T. was a CHINS:

Said child is in need of services as defined in IC 31-34-1-6 because the child substantially endangers the child’s own health or the health of another individual, to wit:

Original allegation consisted of hygiene issues for the child as well as physical abuse by mother. Other concerns involved battery by [S.J.T.] to her family members and behavioral and mental health problems that [S.J.T.] was experiencing.

(*Id.* at 1.)

When S.J.T. was released from the Madison Center, Bradbury wanted her to go to another residential treatment facility, but CPS ultimately decided to place her in a therapeutic foster home. At the end of June 2003, S.J.T. was placed with Janice and Donald Matson, who are licensed therapeutic foster parents.

The court held an initial hearing on July 16, 2003, at which Bradbury “admit[ed] the material allegations.” (*Id.* at 3.) In an August 13, 2003, CHINS disposition order, the court ordered Bradbury to:

- participate in family counseling.
- visit with the children [sic] on a regular basis.
- submit to random drug screens upon request of the OFC.
- complete a parenting assessment and follow all recommendations.
- maintain stable employment and/or a stable source of income.
- maintain stable housing.
- maintain consistent contact with the OFC.

(Appellant's App. at 24.)

On December 15, 2004, following a hearing, the court ordered a modification of the dispositional decree. It found:

The parent, guardian, or custodian needs to participate in a plan for care and treatment of [S.J.T.].

Efforts made to prevent removal from the home were reasonable and in the best interests of the child.

(Ex. at 7.) The court then ordered Bradbury "to participate in individual counseling" and ordered her "visitation shall be for four hours every other week." (*Id.*)

S.J.T. went to Bradbury's house for a visit around Christmas. S.J.T.'s father was at Bradbury's house during this visit, and his presence upset S.J.T. greatly. A petition to terminate Bradbury's visitation was filed, and the court granted it in January 2005.

On April 6, 2005, following a hearing on Bradbury's petition for review, the court again ordered Bradbury to "participate in individual counseling." (*Id.* at 18.) The order required Bradbury to "meet with Dr. Hanah [sic] and commence with joint counseling if the doctor deems appropriate." (*Id.*) The court declined Bradbury's request to reinstate visitation.

On June 27, 2005, the OFC petitioned to terminate Bradbury's rights because: "There is a reasonable probability that: a. the conditions that resulted in the child's removal will not be remedied or; b. the continuation of the parent-child relationship poses a threat to the well-being of the child." (Appellant's App. at 6.) The court's February 22, 2006, order terminating Bradbury's rights did not include findings specific to Bradbury.

The court concluded only there was “a reasonable probability that the conditions resulting in the removal of the child from her parents’ home will not be remedied” and “a reasonable probability that a continuation of the parent-child relationship will pose a threat to the well-being of the [c]hild.” (*Id.* at 8.)

DISCUSSION AND DECISION

We will not reverse a trial court’s termination of parental rights unless is it clearly erroneous. *M.H.C. v. Hill*, 750 N.E.2d 872, 875 (Ind. Ct. App. 2001). We review as a general judgment any issue on which the trial court made no findings. *In re D.G.*, 702 N.E.2d 777, 780 (Ind. Ct. App. 1998). We consider only the evidence and reasonable inferences therefrom that support the judgment, *id.*, and we may not reweigh the evidence or reassess the credibility of the witnesses. *M.H.C.*, 750 N.E.2d at 875.

The court concluded the conditions resulting in S.J.T.’s removal from Bradbury would not be remedied. To properly evaluate whether conditions have been or will be remedied, “the trial court must judge a parent’s fitness to care for her children at the time of the termination and take into consideration evidence of changed conditions.” *In re J.T.*, 742 N.E.2d 509, 512 (Ind. Ct. App. 2001), *trans. denied sub nom. Timm v. Office of Family & Children*, 753 N.E.2d 12 (Ind. 2001). The court must also “evaluate the parent’s habitual patterns of conduct to determine the probability of future neglect or deprivation of the child.” *Id.* The court may consider the parent’s response to services offered by an Office of Family and Children when determining whether conditions have changed. *See M.B. v. Delaware Cty. Dept. of Welfare*, 570 N.E.2d 78, 82 (Ind. Ct. App. 1991).

Bradbury was asked how she attempted to handle S.J.T.'s tantrums and ADHD when S.J.T. was three years old:

- Q What did you do when she had an outburst?
A Just tried to calm her down. When she was kicking, I kind of hold her a little bit and eventually she would calm down.
Q Did you seek any support yourself, see a counselor?
A No.
Q Why not?
A I just didn't. You know, the things that they would go over with me like the basket hold and things like that.
Q Did you ever think that, maybe, improving your own parenting skills would help her behavior?
A No.
Q Why not?
A I didn't think that I was a bad parent.

(Tr. at 9-10.)

When S.J.T. was eight, and was running into the street in front of moving cars and was trying to break out a window with a bat, Bradbury claimed she:

- A Tried, just tried to calm her down. Hold her, talk to her, and asked her what the problem was, tried to get it resolved.
Q Did you seek any type of counseling on how you could improving [sic] your parenting skills to help [S.J.T.] in the way she was behaving?
A No, I didn't.
Q Why not?
A I don't know.
Q Did you feel that you had a problem at that point?
A No.
Q Did you feel that [S.J.T.] was the main problem?
A Her behaviors, yes.
Q Did she, at that point, have a diagnosis?
A She was ADHD, oppositional defiant behavior.
Q Did you educate yourself on how to deal with a child with ADHD and oppositional behaviors?
A No.
Q Why not?
A I don't know. I did it years back when I had my nephew who has it.

* * * * *

Q So instead of trying to figure out a way for you to respond to [S.J.T.], you had her placed at Madison Center?

A Correct.

Q So she was out of your home?

A Yes.

(*Id.* at 13-15.)

At the termination hearing, Bradbury claimed she was capable of parenting S.J.T. When asked what she had done in the past three years to make herself better able to parent S.J.T., she claimed only that she had completed the assigned parenting classes.¹ Bradbury had attended only five individual therapy sessions, because she and her therapist “weren’t talking about anything.” (*Id.* at 27.) Even though she has no special training to handle a child with ADHD, Bradbury has a “feeling” that she “can handle her now.” (*Id.* at 28.)

The caseworker from White’s Family Services, the therapeutic foster care and adoption agency coordinating S.J.T.’s care, had a different impression:

Q Providing structure, does that mean getting your child up and ready to go to school?

A Yes, but it’s more than that.

Q Okay. What else does it mean?

A It’s a very scheduled life. You know, this is breakfast time, this is dress time, this is - - you know, the whole day is scheduled. And then, too, discipline, specific actions cause consequences, and every

¹ To the extent Bradbury asserts the State could not terminate her parental rights because it had not provided adequate assistance to her in obtaining the required parenting skills, we note our Indiana Supreme Court held our legislature had eliminated any obligation for the State to provide services to parents when it adopted the prior statutory scheme. *See S.E.S. v. Grant County Dept of Welfare*, 594 N.E.2d 447, 448 (Ind. 1992) (discussing Ind. Code § 31-6-5-4, which has since been repealed). Bradbury has not pointed to anything in the current termination statutes that would have revived that obligation, nor did our independent research uncover any such obligation in the current statutes. Accordingly, the obligation was on Bradbury, not the State, to obtain the assistance she needed.

time that action happens that consequence happens.

Q Strict enforcement, is that a good term?

A Yes, strict enforcement.

Q So if the parent laid out the day for the child and employed strict enforcement, the child would have the structure that he or she needs, is that correct?

A Yes.

Q Okay. And is it your opinion that Wendy Bradbury is incapable of doing that, is that right?

A Yes.

Q And what do you base your opinion on?

A She has talked, in my conversations with her, how she has already tried that or she has already done that.

Q She has laid out a plan?

A Yes. And anytime we suggested or let her know what we were doing with [S.J.T.] at home, she would say that she already tried that, she already did that and it didn't work. She just kind of just given [sic] up.

(*Id.* at 143-44.)

Janice Matson explained the training she and her husband had received to deal with S.J.T. effectively. They had been through Lake County's foster parenting program and the foster parent program at White's Family Services. The training at White's included information on "the therapeutic aspect of fostering" and how to perform a "therapeutic hold." (*Id.* at 89.) When they took continuing education classes to maintain their foster care license, they looked for classes relevant to the problems they were having with S.J.T. They also "took information on the internet, [and] got books from the library." (*Id.*) They read "several books" regarding oppositional defiant disorder and found the information "very helpful" in parenting S.J.T. (*Id.* at 90.)

Bradbury testified S.J.T.'s father, Robert Tucker, "drinks too much and he was abusive." (*Id.* at 16.) Yet until Bradbury placed S.J.T. in the Madison Center, she would

send S.J.T. each weekend to spend time with Tucker. In December of 2004, when S.J.T. visited Bradbury's house for the last time, Bradbury allowed Tucker to be there, without giving notice that he would be present. S.J.T.'s behavior regressed following this visit, such that she would not play on the playground at school, she was clingy with the playground aide, she began slipping academically, she was quiet and withdrawn, and she began throwing tantrums again. S.J.T. asked to speak with her foster care social worker "because she had seen her dad and she was scared." (*Id.* at 116.) Bradbury did not acknowledge Tucker's presence could have caused a problem because he and S.J.T. were never alone as everyone "was in the same room." (*Id.* at 35.)

When Bradbury placed eight-year-old S.J.T. in the Madison Center in May of 2003, Bradbury visited only five times in six weeks and did not call on the telephone to speak with S.J.T. When S.J.T. was hospitalized for a week later that summer,² Bradbury did not visit S.J.T. in the hospital or call her on the telephone. In the first two years S.J.T. was with the Matsons, Bradbury called her daughter "probably three times." (*Id.* at 20.) The Matsons gave Bradbury a copy of S.J.T.'s basketball game schedule, but Bradbury did not attend any games. The Matsons arranged a birthday party for S.J.T. at McDonald's on the date and at the time selected by Bradbury, but Bradbury did not attend the party. While living with the Matsons, S.J.T. wrote letters to Bradbury, but received none in response. When S.J.T. called Bradbury because a visit had to be

² The Madison Center had prescribed six or seven different psychotropic medications, including Demerol, Stratera, and Adderall, to attempt to control S.J.T.'s behavior. The combination of medications was causing S.J.T. to hallucinate. She remained in the hospital for a week as doctors weaned her from the medications.

cancelled due to snow, Bradbury did not talk to S.J.T. except to say she would talk to S.J.T. later; however, Bradbury “never called back.” (*Id.* at 112.)

Bradbury claims she has been ready for S.J.T. to come home for about a year and a half. Nevertheless, she never requested visitation in addition to the weekly visitation and she had never requested S.J.T. be allowed to come home. Even after her visitation was terminated in January 2005, Bradbury did not attempt to call S.J.T. on the telephone.

Courts are not required to put a child “on a shelf until her parents are capable of caring for her appropriately.” *In re Campbell*, 534 N.E.2d 273, 275 (Ind. Ct. App. 1989) (“Two years without improvement is long enough.”). Bradbury does not acknowledge she needs to acquire any new parenting skills to parent a child with ADHD and oppositional defiant disorder. She continues to assert the problem was solely S.J.T.’s, and now that S.J.T. behaves for the Matsons, S.J.T. should come home. Bradbury’s inability or unwillingness to acknowledge her role in S.J.T.’s problems and her refusal to acquire new parenting skills demonstrates the conditions resulting in S.J.T.’s removal have not been, and most likely will not be, remedied. Accordingly, the evidence supports the court’s finding.³

Because the conditions resulting in S.J.T.’s removal had not been remedied and Bradbury has not challenged the court’s finding that termination was in S.J.T.’s best

³ Because the statute requires the court to find *either* circumstances had not changed *or* the parent poses a threat to the children’s well-being, *see* Ind. Code § 31-35-2-4(b)(2)(B), we need not determine whether the evidence supports the alternative finding that Bradbury’s maintenance of her parental rights would threaten S.J.T.’s well being. *See In re J.W.*, 779 N.E.2d 954, 962 (Ind. Ct. App. 2002), *trans. denied sub nom. Weldishofer v. Dearborn County Div. of Family & Children*, 792 N.E.2d 40 (Ind. 2003).

interest, we cannot say the court erred when it terminated Bradbury's parental rights.

Accordingly, we affirm.

Affirmed.

BAILEY, J., and RILEY, J., concur.